

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LATEEF AKANDE,

Case No. 19-CV-1821 (NEB/TNL)

Petitioner,

v.

ORDER ON REPORT AND
RECOMMENDATION

WARDEN FIKES,

Respondent.

The Court has received the September 5, 2019 Report and Recommendation of United States Magistrate Judge Tony N. Leung. [ECF No. 5 (“R&R”).] No party has objected to the R&R, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Akande argues that under *United States v. Haymond*, 139 S. Ct. 2369 (2019), his term of incarceration must be reduced by his term of supervised release. [See ECF No. 1.] The Court agrees with the R&R that Akande misunderstands *Haymond*. *See* R&R at 6. The narrow question decided by the controlling opinion in *Haymond* concerned the constitutionality of 28 U.S.C. § 3583(k). *Haymond*, 139 S. Ct. at 2385–86. The Court does not understand *Haymond* to reach the remedy Akande seeks here. Accordingly, the Court finds no clear error.

Based upon all the files, records, and proceedings in the above-captioned matter, IT IS
HEREBY ORDERED THAT:

1. This Court ACCEPTS the R&R [ECF No. 5];

2. Petitioner's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 [ECF No. 1] is
DISMISSED WITHOUT PREJUDICE; and

3. Petitioner's motion to proceed *in forma pauperis* [ECF No. 2] is DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 31, 2019

BY THE COURT:

s/Nancy E. Brasel

Nancy E. Brasel

United States District Judge